IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Letters Patent Appeal No.268 of 2006

Suresh Manilal Shah ..Appellant

vs.

1.Kothari Industrial Corporation
and another ..Respondents

Shri M.S.Topkar for appellant.

CORAM: S.B.MHASE &
Smt.NISHITA MAHTRE JJ.
13th February, 2007

P.C.

1. Heard the learned Counsel for the appellant.

2. The ground made out by the learned Counsel is that when the appellant was appointed with respondent Belgaon branch was not established and, therefore, transfer could not have been effected. We have noted that even though the Belgaon branch may not have been established at the time of appointment yet there were other branches which were already established and,therefore, service of the appellant was transferable from one branch to another branch. Once the service is transferable then the fact that the branch was subsequently established will not lead to have any change in the service conditions so as to say that

there is any retrenchment and/or breach of contract as per schedule IV item 9 of the M.R.T.U.and P.U.L.P.Act, 1971. Learned Single Judge has rightly observed that the services were transferable and therefore, refused to entertain the complaint. We also refrain to entertain the L.P.A. L.P.A. is dismissed in limine.

(Smt.NISHITA MHATRE J.) **(S.B.MHASE J.)**